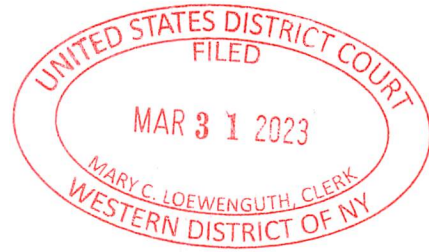


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



DANIEL MAZUR,

Plaintiff,

v.

20-CV-624 (JLS) (JJM)

NEW YORK STATE DEPARTMENT
OF CORRECTIONS, SANDRA
DURFEE, and THOMAS STICHT,

Defendants.

DECISION AND ORDER

Plaintiff Dr. Daniel Mazur commenced this action against the New York State Department of Corrections (“DOCCS”), Sandra Durfee, and Thomas Stricht on May 26, 2020, raising claims of discrimination under the Americans with Disabilities Act of 1990 (“ADA”), retaliation under the ADA and Title VII of the Civil Rights Law of 1994 (“Title VII”), and deprivation of due process in violation of the Fourteenth Amendment under 42 U.S.C. § 1983.¹ Dkt. 1. On March 23, 2021, this Court accepted Judge McCarthy’s Report and Recommendation (Dkt. 13) that recommended granting Defendants’ motion to dismiss in part. Dkt. 20. Based on that decision, and no amended complaint having been filed, the only remaining claims are the Title VII retaliation claim against DOCCS and the Section 1983 claims against the individual Defendants in their personal capacities. *See id.* at 4.

¹ The Court assumes the parties’ familiarity with the details of this case, outlined in Judge McCarthy’s R&Rs and this Court’s earlier decision and order.

Presently before the Court is Judge McCarthy's January 20, 2023 Report and Recommendation ("R&R") recommending that Defendants' motion for summary judgment be granted and that Plaintiff's remaining claims be dismissed. Dkt. 51 Mazur filed objections to the R&R on March 6, 2023. Dkt. 54. Defendants responded on March 21, 2023. Dkt. 56. Mazur replied on March 28, 2023. Dkt. 57.

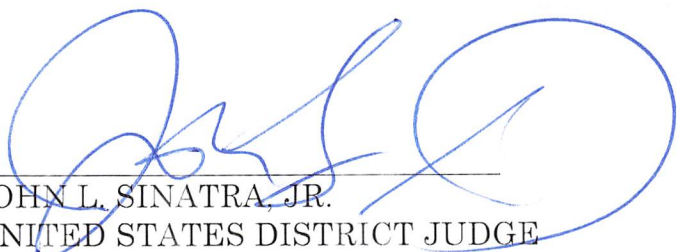
A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

This Court has carefully reviewed the R&R, the objections and responses, and the relevant record in this case. Based on that *de novo* review, the Court accepts Judge McCarthy's recommendation to grant the motion for summary judgment.

For the reasons stated above and in the R&R, Defendants' motion for summary judgment (Dkt. 41) is GRANTED and Plaintiff's remaining claims are dismissed. The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: March 31, 2023
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE